IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND
PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 20008 of 1993

Between:
P.Laxmana Rao S/o.Venkat Rao, Hindu, aged about 40 years, Record Assistant, Accounts Department, O/o The General Manager Singareni Colleries Company Limited,
Manuguru,R/o.Spl.D.No.1022,Prakashvana Colony Prakashavana township post,Manuguru,Khammam Dist.

...PETITIONER

AND

1 The Singareni Colleries Company Ltd., Rep.by its Chairman & Managing Director Red Hills Hyderabad.
2 The Director (Personnel) Admn and Welfare
Singareni Collaries Company Ltd., Kothagudem
Khammam Dist.
3 The Director (C.P.&P) Singareni Collieries Company Ltd.,
Khammam dist.
4 The General Manager (Personnel) Singareni Collieries Company Ltd., Khammam dist. Manuguru.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus, directing the respondents to pay the full salary and allowances to the petitioner with effect from 14-1-1988 till September, 1989 onwards till
23/24-5-1993 by treating the said period as on duty and thereafter pay the difference of salary by fixing same in appropriate basic pay after counting all increments due since Jan-1988, and continue to pay the future salary in the said grade, by duly declaring the order Ref.No.P.89/4220/IR/1948, dated 11/13-9-1993 issued by the 4th respondent is highly arbitrary,unjust and consequential, and is

violative of Articles-14 and 16 of the Constitution of India.

Counsel for the Petitioner:MR.T.SURYA KARAN REDDY

Counsel for the Respondents: MR.K.SRINIVASAMURTHY

The Court made the following :

O R D E R :

This Writ Petition is filed seeking Writ of mandamus directing the respondents to pay full salary and allowances to the petitioner with effect from 14.1.1988 till September,1989 onwards i.e. till 23/24.5.1993 by treating the said period as on duty and thereafter pay the difference of salary by fixing the basic pay after giving necessary benefits in accordance with the terms and conditions of the settlement entered on 10th, 11th, and 12th March, 1990 in the Industrial Dispute between the Management of Singareni Collieries Company Ltd. and their workmen.

2. It is the case of the petitioner that he was working in Singareni Collieries Company Limited since 1973. However, he was involved in an accident. Consequently, he was found unfit for the underground job. When the petitioner was not given alternate employment, he filed Writ Petition No.5053 of 1991 before this Court and it was dismissed and thereafter he filed W.A.No.721 of 1992 and the same was also dismissed. In the Writ Appeal this Court directed the management to provide an alternate job to the petitioner equivalent to that of Record Assistant. Consequently, the management implemented the order. However, the grievance of the petitioner is that he is entitled for protection of last pay drawn in the earlier post i.e. Chairman by giving necessary increments as required under the terms of the settlement. Therefore, the petitioner filed the present Writ Petition for appropriate direction.

3. In the counter filed by the learned Counsel for the management, it is stated that the petitioner is not entitled for fixation of pay as claimed by him.

4. The issue that arises for consideration is whether the petitioner is entitled to claim the wages as prayed for in the Writ Petition.

5. The sheet-achor of the claim of the petitioner is the settlement between the management and workmen as referred to above. If the settlement arrived at between the parties has not been implemented, the benefits emanating from such settlement can reaped under Section 33-C (2) of the Industrial Disputes Act. The matter involves monetary benefits. Under those circumstances, this Court cannot adjudicate the claim of the petitioner sitting under Article 226 of the Constitution of India. Hence, I do not find any grounds to grant relief to the petitioner under Article 226 of the Constitution of India.

6. Accordingly, the Writ Petition is dismissed leaving it open to the petitioner to approach the Labour Court/Industrial Tribunal under Section 33-C (2) of the Industrial Disputes Act seeking computation of benefits if any in terms of the settlement arrived at between the parties. No costs.

_____

G. BIKSHAPATHY, J

To

1 The Chairman and Mg.Director, The Singareni Colleries Company Ltd., Red Hills Hyderabad.
2 The Director (Personnel) Admn and Welfare Singareni Collaries Company Ltd., Kothagudem Khammam Dist.

3 The Director (C.P.&P) Singareni Collieries Company Ltd.,
Khammam dist.
4 The General Manager (Personnel) Singareni Collieries Company Ltd.,
Khammam dist. Manuguru.
5. 2CD copies

Dated:16-09-2004
Ccm